

JEFFERSON COUNTY COMMISSIONERS
COURTHOUSE, BOX H
BOULDER, MT 59632
PHONE 406-225-4025
FAX 406-225-4148

TOM LYTHGOE, CHAIR

DAVE KIRSCH

LEONARD WORTMAN

**PROCEEDING OF THE BOARD OF COMMISSIONERS
COUNTY OF JEFFERSON, STATE OF MONTANA
April 6, 2010**

Present: : Commissioners Lythgoe, Kirsch and Wortman; Harold Stepper and Mike Hoffman, County Planners; Bonnie Ramey, Clerk and Recorder; Craig Doolittle, County Sheriff; Matt Johnson, County Attorney; Kellie Doherty, Personnel Officer; Joe Carter, Road Supervisor; Tom Harrington, JLDC; Jan Anderson, *Boulder Monitor/Jefferson County Courier*; Marilyn McCauley, Franci McMahon, Peggy Marquis, Jenifer Wise, Cindy McGinnis, Cindy Larson, Ike Jessee, Barbara Sunderland, Jim McCluskey, Jane Hamman, Phyllis Tappe, Tonya Reinhart, Barbara Burns, Carol Ferguson, Heather LaRowe, Bob and Mary Ann Benson, Garry Pace, Lynora Rogstad, Ruth Raihl, Shirley Battershell, Dean Hildebrand, Floyd Oliver, Bruce Dunkle, Jim Madison, Pat Michaels, Barbara Burns, Jason Norman, Diane Lorenzen

MINUTES

Commissioner Wortman moved to approve the minutes of March 30. Commissioner Lythgoe seconded. The motion carried.

REPORTS

Commissioner Lythgoe noted the receipt of March Clerk and Recorder fees report.

CALENDAR REVIEW

- 4/07 Meeting with Great West regarding PERs - 11:00
TIFID meeting - Whitehall - 1:00
- 4/08 CTAC - 8:00
Area IV Agency on Aging - Three Forks - 9:00
Elkhorn Working Group - 2:00
JLDC Ad Hoc Committee - 3:00

COMMISSION REPORTS

IMPACT FEES

Commissioner Lythgoe reported that he had a meeting with Mike Kakuk on the 31st to discuss impact fees. The fees would affect developers and could affect citizens as well. This will be an on-going discussion that they will need to have to determine if they are interested in continuing.

TSEP PROJECT

Commissioner Wortman reported that he attended a public meeting in Basin on the 30th regarding the TSEP project to replace the Basin Creek Bridge. The main concern of those present is with traffic speed if the current one lane bridge is replaced with a two lane bridge.

SLAUGHTERHOUSE SLOUGH

Commissioner Wortman reported that on the 31st he attended a Jefferson River watershed meeting. There is an on-going project to try to control the flow at the Slaughterhouse Slough. There is discussion of building a dike to prevent the riverbank from washing away. Their feeling was that fixing the one dike may not solve the problem, as there are a lot of other places where the water runs over. They are looking at a bigger fix for the entire area.

MACRS MEETING

Commissioner Kirsch reported that he attended the MACRS meeting in Great Falls the previous week

SUBDIVISION REVIEW

VALLEY VIEW SUBDIVISION – REQUEST FOR EXTENSION OF SUBDIVISION IMPROVEMENT AGREEMENT

Mike Hoffman, County Planner, presented the Commission with a request from the developer to have the subdivision improvement agreement extended for one year. The developer noted that he intends to have the work completed by mid-May.

Mike recommended that the Commission grant the extension as requested.

Commissioner Wortman moved to grant the one year extension. Commissioner Lythgoe seconded. The motion carried.

ITEMS FOR COMMISSIONERS ACTION OR REVIEW

SIGN CONTRACT FOR FAIRGOUNDS BLEACHERS PROJECT

Marilyn McCauley, fair board members, presented three contracts for the Commissioners' signatures.

OPEN AND AWARD BIDS FOR SURPLUS SHERIFF VEHICLES

The bids for the vehicles were as follows:

Vehicle	Bidder	Bid	Won
1997 Crown Victoria	Gary Pace	\$352	
	Laurie Vossler	\$500	
	Jerry Blohm	\$210.95	
	Roy Barnes	\$400	
	Tom Lythgoe	\$500	x
1998 Crown Victoria	Gary Pace	\$105	
	Roy Barnes	\$500	x
2001 Dodge Durango	Gary Pace	\$527	
	Laurie Vossler	\$1,300	x
	Huck McGowan	\$300	
	Carolyn Henry	\$300	
	Chance Hildebrand	\$786.67	
	Roy Barnes	\$700	
2002 Intrepid	Roy Barnes	\$500	x
	Matt Dove	\$225	
	Jerry Blohm	\$403.95	
	Huck McGowan	\$200	
	Gary Pace	\$103	
2000 Ford F-150	Kathy Aultman	\$701	
	Monty Auch	\$2,257	x
	Leon Elbert	\$1,629	
	Roy Barnes	\$1,000	
	Shaunda Hildebrand	\$1,888	

As there was a tie on the 1997 Crown Victoria, Laurie Vossler was contacted and he stated that

he would withdraw his bid. The winning bidders not present at the meeting will be notified by phone.

DISCUSS AND DECIDE ON REFUND FROM COUNTY TO SADDLE MOUNTAIN SERVICES

Jim McCluskey, Saddle Mountain Services, stated that Saddle Mountain Services is a tax exempt corporation. They are a homeowner water association in Montana City. He gave a brief history. In October of 2003, one of their properties which contains one of their reservoirs was sold for \$55 as a county levy which they thought was a tax lien. The notice of the sale was sent to a post office box that was defunct. However, other mail from the county was being sent to the correct address. Parcel, on which one of their water reservoirs was located, was sold. As a result of the sale, they had to buy the property back, which cost them a total of \$4,879. This amount included their legal fees, DNRC fees, and \$1,800 to buy it back from the person who purchased it. At that time, they came to the County for reimbursement. The County paid back \$1,000. They didn't sign a release or have any formal agreement that this settled the claim. They decided at their board meeting that they wouldn't fight this; that it wouldn't be worth it hire an attorney to fight the county. They did decide to do some research on why this happened so that it wouldn't happen again. They found that this was not a tax, but a fire protection fee. They contacted DNRC who was very much surprised that any county sold a property for a fee, not a tax. Statute stated that DNRC must be contacted before this can happen. They would like the balance of their expenses - \$3,876.00.

Commissioner Kirsch asked how someone could buy this, as all they were buying was the fire charge, not the property charge. Jim stated that the county treated this as a past-due tax, and put the property up for foreclosure to collect what they thought was a tax. Someone then bought the property for \$55.00. The mistake is that the county considered this a tax when it really was a fee and they should have been compliant with the statute. Commissioner Lythgoe stated that according to the DNRC, the county didn't have a right to go for tax deed without their permission. Jim stated that everything but the notice of the sale was sent to the correct address; this is their major complaint.

Matt stated that Mr. McCluskey has some great points. However, if it is a fee and the county collects that fee, the county still takes those as assessments. In this respect with the DNRC fees, the county is not supposed to do this without the permission of the DNRC. Saddle Mountain Services did go through litigation, which cost them \$4,876 to get their property back. With the added information about statute related to the DNRC, they are more justified in their claim to be reimbursed for the full amount.

Commissioner Wortman stated that it seems to him that the county dropped the ball on two points; the address that didn't get changed and statute wasn't followed.

Commissioner Wortman moved to refund \$3,876 to Saddle Mountain Services. Commissioner Kirsch seconded. The motion carried.

PUBLIC HEARING – TO PLACE THE QUESTION OF A NORTH JEFFERSON COUNTY
LIBRARY DISTRICT ON THE BALLOT

Commissioner Lythgoe called the hearing to order and called for comments, alternating between those in favor and those opposed.

Bruce Dunkle, Clancy School, stated that the school board is in full support of this request. They are in favor of the library staying in its current location and having more local control.

Jenifer Wise, member of the Jefferson County Library Board, stated that she believes that districting can be a very good idea. She spoke with Bob Cooper and he was impressed that the group was able to pull things together so quickly, but cautioned that a library district can take several years to organize and get the information out to people. Jenifer said that she hopes that the right information has been getting out to people. She has gotten some calls that have caused her some concern. These are people who were canvassed at the Montana City Store and she thinks that there is some misinformation out there. They were told that they were trying to get the building in Clancy, but we have a building that they have been operating out of for years. They were also told that the library will be run by volunteers. This really took her back and she hopes that this isn't what they are thinking, because a volunteer library not recognized by the state library. The mines have closed, the mill value is down, and they are going to need to cut the budget. Meanwhile, if this district is created, she has learned that 50% of the taxes come from that district. She would love to see the north end succeed and she is sure that it would, but she feels that it would cause the other libraries to fail. With the economy the way that it is, they need to look at the overall situation. She understands what they are trying to do on the one hand because of the money but she is wondering if that is the total motive. She knows that there is a lot of people that have been unhappy with the library board and they felt that they didn't get enough public input even though they had a subcommittee on the north end for two years that asked for that input and gave the library board the recommendation that they have a library in Clancy. Jenifer said that she feels that this is a control issue and that there is some duplication of what the library board has been doing. There is a library in Clancy and they have even made an offer to buy the building.

Tonya Reinhart stated that she was before the Commission several months ago to speak to the library issue. She stated that this is about control, and it is about localizing that control. She believes that it is important to localize that control especially in a time of limited resources. She thinks that this is one of the reasons that a north end library district is so important right now. By localizing our resources they can adopt programs that better serve the needs of the community that it represents. She has been in the military for 20 years and she knows that the programs that are most successful are the programs that are localized. When you have local action going on you have more involvement, you have more interest and people are willing to place more resources to those programs. As a mother, she feels that they need to work to provide the best services available for our children. She wants her children to know that this is their library in their community. She also feels that it would be easier to get volunteers to serve on local boards. There would be less travel and it would be easier to have ownership. She has also spoken to Bob Cooper. She would not have signed the petition or asked others to sign the petition if she didn't truly believe that this is the best course of action. She stated that money available to the

communities of Boulder and Whitehall is a downfall and she would admit that. However, she feels that by centralizing the boards they would be better able to utilize the resources that they do have. Strong library services are critical to Montana City, Jefferson City and Clancy; by separating into their own library district they would not be putting any more focus on one of those areas over another. It would be a community effort for all of north Jefferson County and it would allow the staff to specialize better to meet the needs of those community members. She thinks that the library board has done a terrific job but feels that this will only strengthen library services in Jefferson County as a whole.

Peggy Marquis stated that she isn't really for or against redistricting. She doesn't understand what redistricting would do and she would like to know what the benefits and drawbacks are. She asked if it would affect current library services; they have shared costs for cataloging and reference services and internet that are currently shared between the three libraries. If Clancy is taken out of that does the burden fall on Boulder and Whitehall to raise their costs. She asked who would take care of the budgets, if the county would still administer the budget and payroll and take care of insurance and bookkeeping for the new redistricted library or if they would be totally separately. What she would really like to know is what exactly redistricting is supposed to do. If they have no firm figures, she would ask that the ballot issue be postponed.

Jane Hamman said that those of them that came together to form the Clancy library/north end services support team are grateful to the current library board for their service and for their commitment to our libraries. It was their January and February discussions about the possibility of a north end district configured in one way or another that lead them to create their volunteer efforts that have brought them there today. She also spoke to Bob Cooper and has been assured that if they are successful, they will continue to be a part of the shared catalog. They have also had discussions with Bonnie Ramey and the Treasurer that the funds would continue to be distributed based on population and geography and that the audit, insurance, personnel and payroll would continue to be supported by the county with no change. She wanted to specifically address the mill levy portion of the ballot language. If the library district is created and the residents of the proposed district are thereby withdrawn from the current library service area, this would mean four things. First, the property tax payers within the new district would become exempt from the mills levied for the current library services and the revenue and the mill levy proposal being voted on in the library question would replace the existing county mill levies for those residents. Third, the proposed district mill levies would be very similar to those existing county wide library levies; the resulting levy for the northern district would be a fraction of a percentage smaller. If the voters do not approve the creation of the new district, the residents would remain a part of the current library district and the property tax payers would continue to pay the county wide library mill levy. She noted that the 5 mill levy was proposed to be adopted in perpetuity. Some may say that adopting the permanent mill levy is not good government policy. Their support team members believe that adopting the 5 mill levy permanently is the correct course of action. The north end needs to maintain its current revenue stream.

Phyllis Tappe, library board member, stated that she was one of the housewives that started the Clancy Library and held it together for two-and-a-half years with volunteers. In fact, it was

women from Jefferson City that started the Clancy Library. The reason that they were at the Clancy School is because they were given it rent free if they would clean it all up. In her mind and in the minds of those that started the library this was never meant to be the permanent home; it was the north end library and they were the Friends of the North End Library. Her concern with this group is where are the people from Montana City, are they going to be represented. She is not sure that most of them know that we exist in Clancy. Her concern is, do the people in Clancy want to remain a two room library in the school. It was always their intention to get something bigger and better for them because there is so much of the population and tax base at the north end. It was because of this that she fought so hard to get a piece of the pie; the other two libraries had all of it; and they are great libraries but the north end deserved part of the pie. Her question is what is their plan – if they fail what do they expect the library board to do, what do they want from the board. She supposes that they don't want what the library board was trying to do; they had a two-year study and the subcommittee met twice a month, every month for two years. She asked where these people were when they were meeting and asking for input. She noted that most of the people on the subcommittee were from Clancy. She questioned what went wrong, as the library board has always represented the entire county, north, middle and south and noted that this is how the Commission appoints the members as well; with a representative from each of the districts. She hopes that people will remember that most of the taxes come from Montana City and that they get more services than two shelves in the Montana City Store.

Commissioner Lythgoe said that he didn't see it in the ballot language, but at one time there was some consideration of doing something in the Montana City area, not that Clancy would go away. He asked if this is still under consideration.

Jane Hamman stated that discussions have been held at considerable length, and the trend at this point is to look at an info-mobile that would serve the outlying areas, rather than try to support another building.

Jenifer stated that the library board has discussed a library in the Montana City area, and also discussed an info-mobile as well as a satellite office in the Montana City Store. She noted that the info-mobile would cost about \$120,000.

Tonya stated that there was a study recently done which showed the percentages of residents who use the Clancy Library. The study showed that 60% of the users are residents of Clancy, 40% are from Montana City and 12% are from Jefferson City. They are looking into the needs of Montana City and it is in the ballot language that a representative from each community would sit on the Library Board.

Bob Benson stated that 50% of the money comes from the north end, and most of those taxpayers are library users. Nearly 1,000 people signed the petition which would indicate strong support for the new district and some dissatisfaction with what has been happening. Jenifer stated that the library board offered to buy the current building from the Clancy School, but they didn't make a legitimate offer; they used e-mail.

Heather LaRowe stated that she thinks that the power of this initiative is not that they predict the future of where the Clancy Library will be, but the power is putting it in the hands of the people that live in that part of the county. The Clancy library has the highest circulation of any library in the county; it has grown 300%. She noted that 40% of the signatures on the petition were from Montana City.

Commissioner Lythgoe asked if there is a feeling among those that are supporting the new district that the current library board was not providing the appropriate service that they should to the north end residents. Heather stated that her personal opinion is that the emphasis of the library board has been on the subcommittee. The subcommittee looked at traffic patterns based on the 2000 census and public input. She has been in the dark and wondered where she was when those meetings were happening. She moved into the community less than two years ago and the meetings ended over two years ago. The subcommittee also didn't do an analysis of budgetary needs; would they be able to support a library in Clancy as well as library services in Montana City as was recommended by the subcommittee. Heather stated that the Clancy library is centrally located. There are people who walk to the library from the Elkhorn Rehab facility that don't have the mental capacity to go a library in Montana City; it is a huge resource for them. It also offers people who have more economic hardship a chance to get to a point that is centrally located to get internet services that they can't get at home. She agreed that it is a small space and she thinks that it is going to have to expand. She feels that putting a local board in charge of that and being able to have meetings right there every month in the north end where people from the north end of the county is a good thing. People from the north end aren't going to drive to Boulder or Whitehall to attend a board meeting.

Commissioner Lythgoe stated that his question is to those in favor of the proposal still is if they feel that library board as it exists is not meeting the needs of the north end. Bob stated that one of the problems has been that once every three months the library board would meet in Clancy with the school board in attendance as well. Only once every three months would they get a chance to dialog one-on-one. There was a lot of misunderstanding; things would change during that two-month period and so every time the school board was trying to get something cleared up there was a gap in information; things were left at home or forgot about. It was very frustrating.

Phyllis stated that the library board meets in alternating communities; the board used to just meet in Boulder and outlying communities would have to drive if they wanted to know what was going on. As far as the subcommittee, it just finished meeting last fall and minutes have gone out all over the place. It's great to be able to walk to the library; she would love that option too. But what about the people in Montana City; this seems to be all about what people in Clancy want.

Lynora Rogstad stated that she lives in Jefferson City. As the Commission is aware, Jefferson City is expanding enormously and families use the Clancy Library. She noted that Montana City residents tend to send their children to Helena when it is time for them to go to high school, because it is closer. Montana City residents seem to have a lot more opportunity to utilize services in Helena, whereas Jefferson City residents can't even get internet service. Clancy is much more usable for them.

Jim Madison stated that he is strongly supportive of the north Jefferson County library district. He feels that this would offer substantial financial benefit in the form of travel dollars and savings of time.

Shirley Battershell read a letter from Echolynn Travis, who is in favor of a north Jefferson County Library District.

Barbara Burns stated that the question of the board not doing for them isn't an issue. The issue in her mind is that the growth on the north end is so great that it needs another board to handle the services. They all appreciate what the board is doing, but it is time.

Maryann Vincent stated that she feels that they would be better represented by having a board in north Jefferson County.

Franci McMahon stated that she has been on the library board in the past and is a user of the library. She has a concern with dividing off part of the library system. What is to stop Whitehall from breaking away in the future. The problem with boards is that they move slowly; decisions are difficult to formulate, meetings are often disrupted by people concerned with their own interests that take meeting time. She worries about fracturing off a system which has been successful and replacing it with something unknown. She knows that both the Boulder and Whitehall Libraries both grew through a lot of local effort and fundraising. She would like to see more effort from that direction to raise support for the library before they split off. She would like to know how they are going to support services. If they split there will be less resources for both Boulder and Whitehall and she would like to see all of the libraries supported equally.

Commissioner Wortman asked Tonya to explain her statement that this would better utilize and strengthen the entire library system. Tonya stated that they are very different as a community than some of the other parts of the county. Her understanding is that Clancy and Montana City are bedroom communities of Helena and therefore have a different client base and different library needs. By managing their own district, they would better meet the needs of the residents.

Commissioner Wortman asked Jenifer or Phyllis what part of library budget goes to individual libraries. Phyllis stated that one-third goes to each; it used to be less to Clancy, but growth necessitated that they all get an equal share.

Commissioner Kirsch said that he wanted to make two statements; in any given county, the needs are different throughout the county. One example is the solid waste. In the Boulder area, the costs are next to nothing; in the north end, the costs are huge, but people pay the same throughout the county. He asked what they are trying to accomplish; from what he has heard, the Clancy library is one of the best around. He asked if their motive is to build a big new building.

Jane Hamman said that they want to focus more on services in the north end with Clancy as the hub and moving out to Jefferson and Montana City. She stated that it has been frustrating trying

to move forward; they have had people in Clancy who have been offering for a year to assist with the sump pump to get the library fixed and get rid of the mold. The library board members come and complain about the mold in the basement and yet it is still there. If they had their own board, it would have been fixed more than a year ago and done with volunteer labor. This is just one tiny example of the kind of frustration that the staff and the local patrons have felt about the slowness and the communication.

Jenifer Wise stated that one thing that came up with the sump pump issue is that they don't own the building and didn't want the county to be liable for volunteer labor. As for the legal offer for the building, she has talked to Holly the chair of the board and she has assured her that between the head of the school board and her, a legal offer was made. The reason that they were turned down is because they are waiting to see what is going to happen with the ballot issue. They aren't going to purchase it if it is going to go off to a different district.

Bruce stated that as superintendent, he requested a formal offer for purchase, and it was never received.

Hearing no further comment, Commissioner Lythgoe closed the public hearing.

RESOLUTION 07-2010 RESOLUTION TO PLACE THE QUESTION OF A NORTH JEFFERSON COUNTY LIBRARY DISTRICT ON THE JUNE BALLOT

Commissioner Wortman read the resolution as follows:

RESOLUTION 07-2010

RESOLUTION TO PLACE THE QUESTION OF A NORTH JEFFERSON COUNTY LIBRARY DISTRICT ON THE JUNE BALLOT

WHEREAS, a petition to create the North Jefferson County Library District ("District") was presented to the County Commission. Said District petition contained the boundaries of the proposed District, a map showing boundaries, the proposed maximum property tax mill levy that could be levied on property owners within the District for the operation of the District, and the proposed number of members on the board of trustees. Said Petition was signed by not less than 15% of the qualified electors who reside within the proposed district.

WHEREAS, the governing body of Jefferson County wishes to call for an election on the question of whether to create the District by placing the question on the June 2010 primary election ballot. The proposed ballot measure would create a North Jefferson County Library District, withdrawing proposed district residents from the current Jefferson County Library

Service Area, creating a tax liability for the 2010 property tax year in the approximate amount of \$109,147. An additional five (5) mills is further requested for 2010 and every tax year thereafter in perpetuity, to generate an additional approximate amount of \$66,150 per year for the use by the proposed district as follows:

- (a) Upgrade Clancy library facilities
- (b) General operations and maintenance, and
- (c) Capital outlay for library books, computers and supplies.

The tax impact of the District and the additional five (5) mills on a residence with a market value of \$100,000 would be approximately \$9.00; on a residence with a market value of \$200,000 the tax impact would be approximately \$18.00.

NOW, THEREFORE, BE IT RESOLVED:

The Board of County Commissioners of Jefferson County, pursuant to §22-1-703, MCA hereby call for an election on the question of whether to create the District and will place before the qualified electors the question as follows:

☐ FOR authorizing the creation of the North Jefferson County Library District that may not levy more than the maximum mills authorized by statute along with an additional five mills requested for the operation of the district.

☐ AGAINST authorizing the creation of the North Jefferson County Library District.

DATED this 6th day of April, 2010.

ATTEST:

**BONNIE RAMEY
CLERK AND RECORDER**

TOMAS E. LYTHGOE, CHAIR

DAVE KIRSCH, COMMISSIONER

LEONARD WORTMAN, COMMISSIONER

Commissioner Lythgoe moved to adopt the resolution. Commissioner Wortman seconded. Commissioner Lythgoe asked who would vote on this ballot issue. Bonnie stated that only the residents of the proposed district would vote. Commissioner Wortman stated that this is an extremely difficult decision. He respects the process of citizens petitioning to place an issue on the ballot, but he has a problem with only the residents of the north end of the county that will affect the residents of the entire county. Commissioner Lythgoe stated that he has a little bit of the same reservation, but he thinks that citizens have the right to bring something forward to be voted on.

The motion carried.

DISCUSS AND DECIDE ON APPROVAL OF SUNLIGHT AND NORTH JEFFERSON COUNTY TAX INCREMENT FINANCE INDUSTRIAL DISTRICT WORK PLANS

Tom Harrington stated that the board has met a couple times and they have developed a draft work plan for each district through the end of the fiscal year in June. They will be developing a new plan for each of the districts for the next fiscal year, which will be presented to the Commission at the beginning of July.

Commissioner Wortman moved to accept the work plans for the north and south TIF districts. Commissioner Kirsch seconded. The motion carried.

DISCUSS AND DECIDE ON USING A CAREER TRAINING INSTITUTE INDIVIDUAL FOR THE RESTORATIVE COMMUNITY SERVICE COORDINATOR AND ENTERING MOU

Cindy Larson, Project Coordinator for the Jefferson County Community Change Project, stated that they have an opportunity through the Career Training Institute. There is a program developed through the American Recovery and Reinvestment Act to employ people for six months who fall below 185% of the poverty level and children under 18 in the household. This is an opportunity to hire someone for their restorative community service coordinator without using county funds. This would allow them to try to find a candidate, employ them for approximately six months with the idea that potentially this person could continue on. Ideally they could hire someone through this program and the grant that they applied for would come through to allow for the continued employment of this person.

Kellie stated that she has been aware of this program for about three months and apologized that she didn't think of this program sooner when she and Cindy first started talking about this position.

Commissioner Kirsch moved to pursue hiring an individual from the CTI opportunity and sign the MOU upon approval of the County Attorney. Commissioner Wortman seconded. The motion carried.

RESOLUTION 08-2010 RESOLUTION TO ADOPT THE FINAL PRELIMINARY ENGINEERING REPORTS TO COMPLETE BRIDGE IMPROVEMENTS

Commissioner Wortman read the resolution as follows:

RESOLUTION 08-2010

**RESOLUTION TO ADOPT THE FINAL PRELIMINARY ENGINEERING REPORTS
TO COMPLETE BRIDGE IMPROVEMENTS**

WHEREAS, Jefferson County, Montana has completed Preliminary Engineering Reports (hereinafter referred to as PERs for the Dunn Lane Bridge (DL1), Basin Creek Bridge (BC1), and the Cottonwood Canyon Bridge (CC3); and

WHEREAS, the PERs have identified needs for each of these County bridges; and

WHEREAS, the PERs provide recommendations for improvements to each of these bridges' and

WHEREAS, the PERs provide recommendations for funding the recommended bridge improvements; and

WHEREAS, Jefferson County, Montana has the legal jurisdiction and authority to construct, finance, operate and maintain the bridge system; and

WHEREAS, Jefferson County, Montana held a public meeting to review the PERs, review the recommended funding alternatives, and solicit public comment;

NOW, THEREFORE, BE IT RESOLVED BY THE JEFFERSON COUNTY BOARD OF COMMISSIONERS, to adopt the Final PERs and recommendation for the Dunn Lane Bridge (DL1), Basin Creek Bridge (BC1), and the Cottonwood Canyon Bridge (CC3).

DATED this 6th day of April, 2010.

ATTEST:

**BONNIE RAMEY
CLERK AND RECORDER**

TOMAS E. LYTHGOE, CHAIR

DAVE KIRSCH, COMMISSIONER

LEONARD WORTMAN, COMMISSIONER

Commissioner Wortman moved to adopt the resolution. Commissioner Kirsch seconded. The motion carried.

RESOLUTION 09-2010 RESOLUTION TO AUTHORIZE SUBMISSION OF TSEP APPLICATION

Commissioner Wortman read the resolution as follows:

RESOLUTION 09-2010

RESOLUTION TO AUTHORIZE SUBMISSION OF TSEP APPLICATION

WHEREAS, Jefferson County is applying to the Montana Department of Commerce for financial assistance from the Treasure State Endowment Program (TSEP) to replace the Basin Creek road Bridge (BC1) and the Cottonwood Canyon Bridge (CC3); and

WHEREAS, Jefferson County has the legal jurisdiction and authority to construct, finance and maintain the proposed bridge improvements; and

WHEREAS Jefferson County agrees to comply with all State laws and regulations and the requirements described in the TSEP Application Guidelines and those that will be described in the TSEP Project Administration Manual; and

WHEREAS, Jefferson County commits to provide the amount of matching funds as proposed in the TSEP Application;

NOW, THEREFORE, BE IT RESOLVED that Tom Lythgoe, Jefferson County Commission Chair, is authorized to submit this application to the Montana Department of Commerce, on behalf of Jefferson County, to act on its behalf and to provide such additional information as may be required.

DATED this 6th day of April, 2010.

ATTEST:

**BONNIE RAMEY
CLERK AND RECORDER**

TOMAS E. LYTHGOE, CHAIR

DAVE KIRSCH, COMMISSIONER

LEONARD WORTMAN, COMMISSIONER

Commissioner Wortman moved to adopt the resolution. Commissioner Kirsch seconded. The motion carried.

OPPORTUNITY FOR PUBLIC COMMENT

Jason Norman stated that he is discouraged by what he has just seen, passing the TSEP resolution without an opportunity for public comment. He is also disappointed in the process for the bridge evaluation. He has some issues with the plan for the bridges, and questioned why we are spending the amount of money they are talking about. He thinks that if everyone in the county would take the position that if we don't need it we won't buy it, the country would be in better shape. In his opinion, Basin Creek and Cottonwood Creek don't have the traffic to necessitate a 24-foot bridge. If they would have come to him a year ago, maybe they could have come to a better conclusion. He is disappointed that there was no comment before the Commission voted. He feels that this is being railroaded through. He asked if anyone talked to the county planner about growth potential up the road. His guess would be no.

Commissioner Kirsch stated that if Jason looks today, he will see a 6 ton limit on the bridge, which means that a fire truck shouldn't go across the bridge. The bridges are reviewed throughout the county and recommendations are made regarding which should be replaced. This is what the Commission is supposed to do, and it is what they do. That bridge needs to be replaced. He noted that Jason isn't the only person that lives on the other side of the bridge, and the Commission has a responsibility to those people as well. These funds are dedicated to bridges and that is where they will be used. If he lived across that bridge, he would be very anxious to have it replaced.

Jason stated that he isn't opposed to doing something with the bridge, but he asked if it needs to be removed and replaced. He asked about a major overhaul. He asked if it has to be 24 feet wide. He doesn't feel that a two lane bridge is needed on a one lane road. Commissioner Kirsch stated that this isn't a one lane road; it is a two lane road. Jason said that the road doesn't meet county road standards. Joe Carter stated that there are roads that considered county roads that aren't 24 feet wide. Jason said that he agrees that the bridge needs to be replaced, but he doesn't feel that they need to put in a 24 foot wide bridge just because an engineer came up with a design.

Commissioner Lythgoe stated that there was a public meeting held in Basin and there was a lot of discussion at that meeting. He understands that a lot of options were discussed. He doesn't know what more they can do as a Commission other than give people an opportunity to speak their mind as it relates to issues. He is sorry if Jason thinks that he was given enough time or that enough study was done.

Joe stated that the engineers have done their job; there is a time-frame that they have to work

within in the grant process. At the meeting in Basin, the prevailing issue seemed to be the width of the bridge. He was at the MACRS conference the previous week and discussed this with several people. No one would agree to build a one lane bridge. When they build a new bridge it needs to be built to standards and for the safety of the public. Not one road supervisor or Commissioner would agree that a one lane bridge would be safer than a two lane bridge. Wider bridge gives room to pass safely, and offers protection to bikers and pedestrians. It cost more, but not twice as much. Commissioner Lythgoe stated that a bridge is a permanent fixture; it's hard to adjust the width of a bridge after it is constructed. It is much easier to adjust the width of a road. If you are going to construct a bridge that is supposed to last 100 years it makes sense that you build it to that standard that is going to cause the public to be the safest.

Floyd Oliver stated that currently there is very little traffic going across the bridge, which hasn't been the case in the past. They have watched heavy equipment crossing the bridge. The Commission is being hard core suddenly; the bridge has always been narrow. He doesn't understand getting entrenched in the design of the bridge when they are talking about funding. It is surely a good thing for the Commission to have citizens interested in government. If they want citizen involvement, it does take time and notice. They should be able to work together. At the meeting in Basin, there was never any discussion that the bridge didn't need to be replaced. The issue is the width of the bridge. Those that live around the bridge don't feel that a two lane bridge is necessary. He has a history as an accident investigator. Considering that a two lane road is encouraging the public to be reckless. This is a very low volume on the road as compared to the past. People aren't hunting up there because of Forest Service restriction. There is almost no private land up there. This is not only not justified and irresponsible, but it is undesirable because people walk down the road. When a vehicle is approaching, you stop and step off of the road for them to pass. The current bridge appears as an impediment to travel. Floyd said that when this gets into construction phase, he would surely hope that there is opportunity for input from the public.

Commissioner Wortman stated that he would have a hard time being convinced that a one lane bridge is safer on a little country road. As far as compromise, he offered a compromise at the meeting, stating that he would consider putting a stop sign at either end of the bridge. When they first started the discussion at that meeting in Basin, it was all about safety and all about speed. Then someone brought up cost, and everyone stated talking about how this is going to cost too much. He doesn't believe that a two lane bridge is going to cost all that much more than a one lane bridge. He is not willing as a County Commissioner to put in a one lane bridge. It is not always a good idea to do something just because it is cheaper.

Commissioner Lythgoe stated that the bridge was evaluated within the past few months. As soon as heard that they were suggesting a 6 ton weight limit, he told the road supervisor to get the weight limit posted immediately.

Floyd said that this is a complicated intersection and there should be a yield sign on Creekside. They also need children at play signs. Safety needs to be planned and it needs to be done at the planning stage. Commissioner Wortman stated that he will have the road supervisor go look at Creekside.

Jan Anderson, *Monitor/Courier*, stated that part of the problem is that there isn't an easy way for the public to know what is being discussed regarding to roads as the meeting with the road supervisor is a separate meeting with no agenda. It might help with these sorts of problems. Commissioner Kirsch said that they don't necessarily talk about any given road in the county. Commissioner Lythgoe said that at the meeting earlier in the day they discussed the priority list, which could be posted, but most often the road supervisor is bring the Commission up to speed to what routine maintenance has been accomplished in the past week and sometimes plans for the coming week.

[4:53 p.m.] Commissioner Wortman left to attend another meeting.

Commissioner Kirsch moved to adjourn. Commissioner Lythgoe seconded. The motion carried.

MEETING ADJOURNED

ATTEST:

**BONNIE RAMEY
CLERK AND RECORDER**

TOMAS E. LYTHGOE, CHAIR

DAVE KIRSCH, COMMISSIONER

LEONARD WORTMAN, COMMISSIONER